

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ROGER PARKER,
Plaintiff,

v.

PERDUE FOODS, LLC,,
Defendant.

CIVIL ACTION
NO. 5:22-CV-00268-TES

DEFENDANT’S UNOPPOSED MOTION FOR LEAVE

COMES NOW Defendant Perdue Foods LLC (“Perdue”) and respectfully files this Unopposed Motion for Leave regarding the June 30, 2025, hearing on Defendant Perdue Foods LLC’s Motion to Dismiss (“Perdue’s Motion”). In support of this Motion, the undersigned counsel states as follows:

1. On May 8, 2025, Perdue filed a Motion to Dismiss Plaintiff Roger Parker’s Claims based on Plaintiff’s failure to list his claims in this lawsuit in his bankruptcy petition or through amended schedules thereto. (Ct. Doc. No. 104). As will be discussed more fully in Perdue’s Reply, Perdue timely asserted its defense regarding Plaintiff’s bankruptcy proceedings in its Answer and then promptly filed its motion to dismiss after merits discovery regarding the same and Plaintiff’s deposition (on April 23-24, 2025), in accordance with its understanding of applicable Eleventh Circuit precedent.

2. On June 12, 2025, after Plaintiff filed his Response to Perdue's Motion, this Court emailed counsel to set an in-person hearing for this Motion on June 30, 2025, in Macon, Georgia. Immediately after receiving this email, the undersigned counsel followed up with in-house counsel for Perdue and all other counsel for Perdue to determine and confirm availability for this hearing, taking the Court's email very seriously and taking necessary steps to ensure everyone's availability promptly.

3. On June 13, 2025, the undersigned counsel called counsel for Plaintiff, Amanda Vaughn, to inform her that she had a scheduling conflict in the form of a non-refundable, international vacation to Spain, that has been planned for several months, from June 25th to July 6th, 2025. This is the undersigned counsel's only vacation this summer, and she has wide availability otherwise. The undersigned counsel did not file a formal Notice of Unavailability for this time period as the Reply to the Motion to Dismiss is due on June 26, 2025, and, with the subsequent Fourth of July Holiday, she did not believe any hearings would be scheduled within the period of her unavailability.

4. During this call, the undersigned counsel informed Ms. Vaughn that if the Court required her in-person attendance, she would immediately cancel her trip and attend the hearing in person. However, she alternatively requested Plaintiff's consent

for: (1) her request to appear via Zoom, if the Court granted such request; or (2) a continuance if the Court preferred in light of the underlying circumstances. Ms. Santen informed Ms. Vaughn that Kevin Hishta, also defense counsel of record, would serve as lead counsel at the hearing on June 30, 2025.

5. During a subsequent email exchange, Ms. Santen told Ms. Vaughn that all other counsel of record for Defendant (including Kevin Hishta, Michael Eckard, Virginia Wooten, and Jeffrey Costolnick) were confirmed to attend the hearing in person on June 30, 2025, with the exception of Richard Etter who has a family vacation previously scheduled for June 29-July 5, 2025, but would appear remotely if the Court permitted him to do so. Perdue's in-house counsel, Penny Wofford, is also confirmed to attend the hearing in person on June 30, 2025.

6. Ms. Vaughn indicated that Plaintiff's counsel would not oppose Defendant's request for appearances via zoom or for a continuance, if the Court preferred.

7. As such, the undersigned counsel hereby requests the Court's permission to appear via zoom, along with Richard Etter, for the June 30, 2025, hearing, if the Court does not want to order a continuance for the hearing. Both counsel will be prepared to answer any questions the Court may have and Defense counsel present

at the hearing will have the authority to address any other issues on their behalf that the Court deems necessary.

8. If the Court does not wish to grant such a request, however, the undersigned counsel will immediately cancel her trip and make arrangements to be in Macon in person on June 30, 2025, for the hearing. Mr. Etter will do the same.

WHEREFORE, Defendant respectfully requests that the Court grants its Motion for Leave. If the Court finds denial of this Motion is appropriate, the undersigned counsel and Mr. Etter will immediately make arrangements to be in Macon on June 30th, 2025, per the Court's request for in-person appearances.

Respectfully submitted this 17th day of June 2025

s/Margaret E. Santen

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CERTIFICATE OF SERVICE

I certify that on June 17, 2025, I electronically filed **Defendants' Motion for Leave** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

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Respectfully submitted this 17th day of June 2025

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